

REMARKS

The above amendments and following remarks are responsive to the points raised in the January 13, 2005 final Office Action. Upon entry of the above amendments, Claims 1, 3, 4, 6, 7, 14, 21, 23, 32, 34, 38, 40, and 42 will have been amended, Claims 2, 17, 22, and 26 will have been canceled, and Claims 1, 3-16, 20, 21, 23-25, and 29-45 will be pending. Of the pending claims, Claims 8-13, 20, 29-31, 33, 35-37, 39, 41, and 43-45 have been withdrawn from consideration as being drawn to non-elected species. No new issues have been raised that require further consideration or search. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to Claim objections

Claim 23 has been objected to on the basis that the language of “said predetermined position” recited therein lacks sufficient antecedent basis. Applicant has amended Claim 23 obviating this objection.

Accordingly, the objection is now moot and should be withdrawn.

Response to Rejection under 35 U.S.C. § 112, First Paragraph

Claims 17 and 26 have been rejected under 35 U.S.C. § 112, first paragraph, on the basis of “failing to comply with the written description requirement.” Applicant has canceled Claims 17 and 26, without prejudice or disclaimer, obviating this rejection.

Accordingly, the rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Response to Rejection under 35 U.S.C. § 102(e)

Claims 1-3, 5, 6, 15-16, 21, 22, 24, 25, 32, 34, 38, 40, and 42 have been rejected under 35 U.S.C. § 102(e) as being unpatentable over US Patent Application Publication 2001/0050712 to Dunton et al. (Dunton). Applicant respectfully traverses this rejection.

Independent Claims 1, 21, 32, 34, 38, 40, and 42 have been amended to more directly express the feature of the present invention and describe the relationship between the predetermined control for still image processing and the effective image circle on the image sensing element. Dependent Claims 2 and 22 have been canceled and the subject matter introduced therein has been merged in independent Claims 1 and 21, respectively.

More specifically, as the zoom ratio decreases (as the zoom lens moves to the wide-angle side), the image circle becomes smaller (see Figs. 2 and 3 of the present application). In the first embodiment of the present invention, when the image circle becomes smaller than a predetermined area of the sensing element, a still image sensing operation is inhibited because a still image of satisfactory quality can not be obtained. Other examples of predetermined control except inhibiting still image sensing operation is disclosed in the second and third embodiments.

In contrast, Dunton discloses a still image mode of sensing a distance scene with the focal length at a telephoto side, and a video image mode of sensing a near scene with the focal length at a wide-angle side. Dunton also discloses the use of different encoding symbols in the still image mode and video image mode, and more particularly, a larger set of symbols are used in the still image mode as compared to the video image mode. Although Dunton may disclose that the angular field of view changes as the optical scaling changes, Dunton, however, provides no teaching or suggestion that the angular field of view becomes smaller than the sensor, or different encoding symbols are used when the angular field of view is smaller than the sensor, the different encoding symbols being not used when the angular field of view is not smaller than the

sensor. As such, the subject matter of independent Claims 1, 21, 32, 34, 38, 40, and 42 are distinguished over the applied prior art reference of Dunton. Dependent Claims 3, 5, 6, 15, 16, 24, and 25, as well as dependent Claim 14, are likewise distinguished over the applied prior art reference of Dunton for at least the same reasons as their respective base Claims 1 and 21.

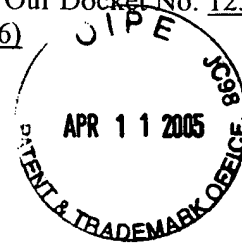
Accordingly, the rejection under 35 U.S.C. § 102(e) should be withdrawn.

Response to Rejection under 35 U.S.C. 103(a)

Claim 14 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunton et al. in view of US Patent 6,819,357 to Miyadera. Applicant respectfully traverses this rejection.

The Examiner admits that the primary reference of Dunton does not teach each feature of the subject matter recited in Claim 14 and attempts to rely on the secondary reference of Miyadera to remedy the deficiencies of the Dunton. Notwithstanding the admitted differences, Claim 14, which depends on Claim 1, is distinguished over Dunton and Miyadera, either alone or in combination, for at least the same reasons as discussed above with respect to Claim 1. No where is it seen, in the secondary disclosure of Miyadera, where Miyadera teaches, suggests, or would have motivated one of ordinary skill in the art, at the time the invention was made, to modify Dunton, as suggested by the Examiner. As such, the subject matter recited in Claim 14 is distinguished over Dunton and Miyadera, either alone or in combination.

Accordingly, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Amendment and Request for Reconsideration (37 CFR § 1.116)Allowable Subject Matter

Claims 4, 7, and 23 have been objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant concurs with the Examiner finding, but also believes that Claims 1, 5, 6, 15, 16, 24, 25, 32, 34, 38, 40, and 42 are also allowable over the prior art.

CONCLUSION

Applicant respectfully submits that Claims 1, 3, 5, 6, 13, 15, 16, 21, 24-25, 32, 34, 38, 40, and 42 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4647.

Respectfully submitted,

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Date: April 11, 2005

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